



**City Clerk**

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**CITY OF BURLINGTON  
Committee of the Whole Minutes  
Jeannie Hefty, Mayor  
Diahnn Halbach, City Clerk  
Tuesday, August 20, 2019**

1. **Call to Order - Roll Call**

Council President Jon Schultz called the Common Council meeting to order at 6:30 p.m. Roll Call - Present: Alderman Susan Kott, Alderman Theresa Meyer, Alderman Bob Grandi, Alderman Ryan Heft, Alderman Steve Rauch, Alderman Jon Schultz, Alderman Tom Preusker, Alderman Todd Bauman. Excused: Mayor Jeannie Hefty

Student Representatives - Present: Jack Schoepke (BHS) (arrived at approximately 6:40 p.m.)  
Excused: None.

Staff present: City Attorney John Bjelajac, City Administrator Carina Walters, Assistant City Administrator/Zoning Administrator Megan Watkins, Finance Director Steven DeQuaker, Police Chief Mark Anderson, Public Works Director Peter Riggs, Human Resource Director Jason Corbin, and Library Director Joe Davies.

- Council President Schultz recognized and commended Student Representative Jack Schoepke for his two years of service with the Common Council and announced this would be Jack's last meeting before he heads off to college.
- Council President Schultz introduced his sons, Jon and Rylie Schultz, who were in attendance from Boy Scout Troop 336 to earn their Citizenship in the Community Merit Badge.

2. **Citizen Comments**

3. **Approval of Minutes** - To approve the Committee of the Whole Minutes for August 6, 2019.  
Motion: Alderman Rauch. Second: Alderman Preusker, With all in favor, the motion carried.

Council President Schultz also stated that he would be retaining his right to vote as an Alderman.

4. **DISCUSSION:** A discussion regarding a rate increase for Public Site Fees.  
This item was tabled for a future date.

5. **RESOLUTIONS:**

- A. **Resolution 4966(19)** - To approve a reduction in the Letter of Credit for the roadway, sanitary sewer, water main and storm sewer utility infrastructure improvements for the Glen at Stonegate Subdivision, Addition II.

Director Watkins provided background history stating that the request for reduction to the letter of credit for Stonegate Subdivision, Addition II, was submitted by the developer, Birchwood Realty, LLC. Watkins stated that Birchwood is requesting a reduction of \$608,787 from the original credit

amount of \$1,037,411.55 that the City holds, which would leave a remaining balance of \$428,624.55 and includes the 115% required contingency which is the City's engineers estimate of public infrastructure yet to be completed. Watkins further stated that the City Engineer and staff recommend approval of the reduction to the letter of credit.

Alderman Preusker asked if a reduction like this is normal. Watkins responded that it's been about 10 years since the last reduction for a developer, however, it is standard practice. Administrator Walters stated that the letter of credit collected is based on all the work that needs to be done, so if the developer goes belly up, the City is still protected and it's not put on the citizens tax roll. Preusker stated his concern regarding the reduction is that the City is still protected. Watkins responded that the 115% contingency will protect the City.

Alderman Grandi asked to clarify that they're not actually reducing the work being done, that this is just for the work that's already been done, and they've paid for. Watkins confirmed this was correct.

Alderman Bauman wanted to know what would happen if the developer for this project went belly up. Walters responded that there are built-in contingencies would protect the City, however, if the loss was to go over and beyond the contingency, it would come back to Council. Walters further stated that during her tenure and as far as she is aware, this has not happened. Bauman asked how much of a loss would they need to go over the contingency. Attorney Bjelajac responded that the remaining dollar amount of \$428,624.55 needed to complete the existing work is sufficient to cover any potential losses.

6. **ORDINANCES:**

A. **Ordinance 2051(17)** - To amend Chapter 315-74, "Signs in the Historic Preservation Overlay (HPO) District" of the Code of the City of Burlington.

Administrator Walters introduced Ordinance 2051(17), stating that the Historic Preservation Commission (HPC) has held a number of workshops in an effort to explore the Historic Preservation Overlay District sign code, as well as the guidelines for Certificates of Appropriateness and as a result of those discussions, amendments were made to Chapter 315-74. Walters then reviewed those changes.

Alderman Rauch asked if this amendment affects the painting of the sides of buildings. Walters responded it does not.

Council President Schultz asked Alderman Kott to provide additional details regarding changes made to the ordinance as a result of experiences with some downtown businesses. Alderman Kott stated that the biggest change to Chapter 315-74 had to do with adding "Street Facade Signs" to the language as to avoid confusion with the sides of buildings. Kott also stated the ordinance now provides more details and the language has been cleaned up for better understanding. Kott further stated that a detailed check list has been added to the application as well.

Council President Schultz asked Attorney Bjelajac to clarify Council's authority to enforce sign ordinances. Bjelajac responded that Council has the authority to enforce but what it boils down to is the mechanism in which they choose to use, which could be the use of municipal court citations or in extreme cases, the use of Racine Circuit Court for a mandatory injunction. Schultz asked Bjelajac what his experience has been in court with enforcement of such ordinances. Bjelajac responded that although he hasn't yet experienced court action related to signs, other matters have been taken care of well through the court system and has no qualms about enforcing sign ordinances if Council so chooses.

Alderman Grandi stated that HPC members have commented that new business owners who attend an HPC meeting are typically surprised by everything they need to do and asked if something is available

to better communicate to the business owner prior to purchasing a building. Walters responded that the ordinance should be made available to the realtors because it's the realtors who are selling the property. Walters also stated that staff at City Hall is very thorough in providing information when requested and will provide opportunities to schedule meetings to walk them through the process in order to make it less painful and more timely for them. Alderman Grandi responded that he is confident staff is doing a thorough job when people come into City Hall; he also thought getting the information to the realtors is a great idea and asked how this could be done. Alderman Kott responded that information will be distributed to realtors in the surrounding area.

Council President Schultz asked if information could be passed on to the Register of Deeds in an effort to be proactive prior to any real estate transfers. Attorney Bjelajac responded that the Register of Deeds is only notified of the transfers at the very end of the transaction. Bjelajac stated that the best way to inform the outside world of the HPC regulations is through good communication and periodic memos to the real estate agents and that a cautious seller of a building in the HPC district will make sure to include a reference to these regulations in a property condition report, possibly even allowing a special paragraph in the offer documents. Bjelajac further stated that a good buyer should also check into the requirements of purchasing a building in a historic district prior to making any offers.

7. **MOTIONS:** NONE

8. **ADJOURNMENT**

Motion: Alderman Preusker. Second: Alderman Bauman. With all in favor, the motion carried and the meeting adjourned at 6:50 p.m.

Minutes respectfully submitted by:

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Diahnn C. Halbach  
City Clerk  
City of Burlington